

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1376 of 2018**

1. Ghanshyam Dande S/o Late Diwan Ji Dande Aged About 52 Years R/o Dande Mohalla, Purani Basti, Gagaon, Police Station- Gudhiyari, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Smt. Vijay Laxmi W/o Ghanshyam Dande Aged About 45 Years R/o Dande Mohalla, Purani Basti, Gagaon, Police Station- Gudhiyari, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Ku. Tripti Dande D/o Ghanshyam Dande Aged About 27 Years R/o Dande Mohalla, Purani Basti, Gagaon, Police Station- Gudhiyari, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. Ku. Pooja Dande D/o Ghanshyam Dande Aged About 25 Years R/o Dande Mohalla, Purani Basti, Gagaon, Police Station- Gudhiyari, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station- Gudhiyari, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicants : Shri D.N. Prajapati, Advocate.
 For the Respondent/State : Shri Neeraj Kumar Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.11.2018**

1. Learned counsel for the applicants prays for withdrawal of the application of applicant No.1 – Ghanshyam Dande with a direction to the concerned Court to decide the application for regular bail on the same day.
2. Accordingly, the application of applicant No.1 – Ghanshyam Dande stands dismissed as withdrawn. The concerned Court is directed to dispose off the application for regular bail of applicant No.1 – Ghanshyam Dande preferably on the same day on which the applicant surrenders before the Court.

3. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

4. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to applicants No.2 to 4 who are apprehending arrest in connection with Crime No. 245 of 2018, registered at Police Station – Gudhiyari, District – Raipur, Chhattisgarh for the offence punishable under Sections 498A/ 34 of the Indian Penal Code.

5. It is submitted by counsel for the applicants that applicants No.2 to 4 are innocent and have been falsely implicated in this case. No case is made out against applicants No. 2 to 4. The complainant has made general allegation against these applicants and she herself is not willing to reside in her matrimonial home because of which, she is living in her parental house and lodged this FIR. Hence, it is prayed that applicants No. 2 to 4 be benefited with grant of anticipatory bail.

6. Learned State counsel opposes the bail application and the submissions made in this respect.

7. Heard counsel for both the parties and perused the case diary.

8. Marriage of the complainant was performed with co-accused - Mohaneesh Dande on 20.4.2018. Subsequent to which, her husband and in-laws expressed their dissatisfaction and made demand for dowry. It is alleged that the complainant was subjected to torture and cruel treatment for demand of dowry because of which, she was compelled to leave the matrimonial house and reside in her parental house.

9. Considering the entire material present in the case-diary, and also keeping in view the observations made by the Supreme Court in the cases of **Arnesh Kumar vs. State of Bihar** reported in **(2014) 8 SCC 273** and **Rajesh Sharma vs. State of Uttar Pradesh and Others** reported in **(2017) 8 SCALE 313**, I am of the opinion that the present is a fit case where applicants No.2 to 4 are entitled to be released on anticipatory bail.

10. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of applicants No.2 – Smt. Vijay Laxmi, No.3 – Ku. Tripti Dande and No.4 – Ku. Pooja Dande in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. They shall also abide by the following conditions:

- '(i) that applicants No. 2 to 4 shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that applicants No. 2 to 4 shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (iii) that applicants No. 2 to 4 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that applicants No. 2 to 4 shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge